

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:16-cv-07125-WHP
Internal Use Only

Lynn Grimstad et al v. FCA US LLC, et al
Assigned to: Judge William H. Pauley, III
Demand: \$5,000,000
Case in other court: California Central, 8:16-cv-00763
Cause: 28:1441pd Petition for Removal- Property Damage

Date Filed: 09/13/2016
Date Terminated: 09/15/2016
Jury Demand: Plaintiff
Nature of Suit: 380 Personal Property:
Other
Jurisdiction: Diversity

Plaintiff

Lynn Grimstad
*an individual, and on behalf of all others
similarly situated*

represented by **Victoria Torkwase Orafa**
AOE Law and Associates APLC
350 South Figueroa Street Suite 189
Los Angeles, CA 90071
213-620-7070
Fax: 213-620-1200
Email: info@aoelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony O Egbase
AOE Law and Associates APLC
350 South Figueroa Street Suite 189
Los Angeles, CA 90071
213-620-7070
Fax: 213-620-1200
Email: info@anthonyegbaselaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Mara Manuel
*an individual, and on behalf of all others
similarly situated*

represented by **Victoria Torkwase Orafa**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony O Egbase
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

FCA US LLC
a Delaware limited liability company,

represented by **Kathy A. Wisniewski**
Thompson Coburn LLP
One Us Bank Plaza
Saint Louis, MO 63101
(314)-552-6337
Fax: (314)-552-7337
Email: kwisniewski@thompsoncoburn.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Scott H Morgan
Thompson Coburn LLP
One US Bank Plaza
St Louis, MO 63101
314-552-6322

Fax: 314-552-7322
Email: smorgan@thompsoncoburn.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sharon B Rosenberg
Thompson Coburn LLP
One US Bank Plaza Suite 26
St Louis, MO 63101
314-552-6173
Fax: 314-552-7000
Email: srosenberg@thompsoncoburn.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen A D'Aunoy
Thompson Coburn LLP
One US Bank Plaza
St Louis, MO 63101
314-552-6354
Fax: 314-552-7654
Email: sdaunoy@thompsoncoburn.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rowena G Santos
Thompson Coburn LLP
2029 Century Park East 19th Floor
Los Angeles, CA 90067
310-282-2500
Fax: 310-282-2501
Email: rsantos@thompsoncoburn.com
ATTORNEY TO BE NOTICED

Defendant

Does

1-250, inclusive

Date Filed	#	Docket Text
04/22/2016	<u>1</u>	NOTICE OF REMOVAL from Orange County Superior Court, case number 30-2015-00819805-CU-MT-CXC Receipt No: 0973-17693741 - Fee: \$400, filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Attorney Rowena G Santos added to party FCA US LLC(pty:dft))(Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 04/22/2016)
04/22/2016	<u>2</u>	CIVIL COVER SHEET filed by Defendant FCA US LLC. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 04/22/2016)
04/22/2016	<u>3</u>	PROOF OF SERVICE filed by Defendant FCA US LLC, re Civil Cover Sheet (CV-71) <u>2</u> , Notice of Removal (Attorney Civil Case Opening), <u>1</u> served on April 22, 2016. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 04/22/2016)
04/22/2016		(Court only) ***Party Does 1-250 inclusive added. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/22/2016		(Court only) ***Attorneys Kathy A Wisniewski, Stephen A D'Aunoy, Scott H Morgan for Defendant FCA US LLC, and Attorneys Anthony O Egbase, Victoria Torkwase Orafa for Plaintiffs Lynn Grimstad, Mara Manuel added. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)

04/22/2016		CONFORMED COPY OF ORIGINAL FILED COMPLAINT against defendants FCA US LLC., Does 1 through 250 inclusive. Jury Demand, filed by plaintiffs Lynn Grimstad, Mara Manuel. (FILED IN STATE COURT ON 4/1/2016 SUBMITTED ATTACHED EXHIBIT A TO NOTICE OF REMOVAL <u>1</u>). (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016	<u>4</u>	PROOF OF SERVICE filed by Defendant FCA US LLC, re Civil Cover Sheet (CV-71) <u>2</u> , Notice of Removal (Attorney Civil Case Opening), <u>1</u> , Proof of Service (subsequent documents), <u>3</u> <i>Amended Proof of Service</i> served on April 25, 2016. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016		(Court only) Judge James V. Selna and Magistrate Judge Charles F. Eick added. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016		(Court only) ***Set Flag(s): (Ex). DISCOVERY. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016	<u>5</u>	NOTICE OF ASSIGNMENT to District Judge James V. Selna and Magistrate Judge Charles F. Eick. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016	<u>6</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016	<u>7</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Kathy A Wisniewski for Defendant FCA US LLC. re Notice of Removal (Attorney Civil Case Opening) <u>1</u> . Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear in a Specific Case, form G-64, or a copy of the Notice of Electronic Filing of your application and the \$325.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. You have been removed as counsel of record from this case for failure to submit this filing fee. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016	<u>8</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Stephen A D'Aunoy for Defendant FCA US LLC. re Notice of Removal (Attorney Civil Case Opening) <u>1</u> . Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear in a Specific Case, form G-64, or a copy of the Notice of Electronic Filing of your application and the \$325.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. You have been removed as counsel of record from this case for failure to submit this filing fee. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/25/2016	<u>9</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Scott H Morgan for Defendant FCA US LLC re Notice of Removal (Attorney Civil Case Opening) <u>1</u> . Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear in a Specific Case, form G-64, or a copy of the Notice of Electronic Filing of your application and the \$325.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application; no filing fee is required. You have been removed as counsel of record from this case for failure to submit this filing fee. (jp) [Transferred from California Central on 9/13/2016.] (Entered: 04/25/2016)
04/26/2016	<u>10</u>	PROOF OF SERVICE filed by Defendant FCA US LLC, re Notice of Assignment to United States Judges(CV-18) – optional html form <u>5</u> , Notice to Parties of Court-Directed ADR Program (ADR-8) – optional html form <u>6</u> served on April 26, 2016. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 04/26/2016)

04/28/2016	<u>11</u>	STIPULATION Extending Time to Answer the complaint as to FCA US LLC answer now due 5/30/2016, re Complaint – (Discovery), filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Proposed Order)(Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 04/28/2016)
04/28/2016	<u>12</u>	ORDER by Judge James V. Selna, re Stipulation Extending Time to Answer <u>11</u> . IT IS HEREBY ORDERED as follows: The relief requested in the Stipulation is hereby granted. Defendant shall have to and including May 30, 2016 in which to answer, move, or otherwise plead to the Complaint herein. (see document for details) (dro) [Transferred from California Central on 9/13/2016.] (Entered: 04/28/2016)
05/02/2016	<u>13</u>	CORPORATE DISCLOSURE STATEMENT AND CERTIFICATION OF INTERESTED ENTITIES OR PERSONS filed by Defendant FCA US LLC identifying Fiat Chrysler Automobiles N. V. as Corporate Parent. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/02/2016)
05/06/2016	<u>14</u>	INITIAL ORDER FOLLOWING FILING OF COMPLAINT ASSIGNED TO JUDGE SELNA. (jlen) [Transferred from California Central on 9/13/2016.] (Entered: 05/06/2016)
05/09/2016	<u>15</u>	ORDER SETTING RULE 26(f) SCHEDULING CONFERENCE by Judge James V. Selna. Rule 26 Meeting Report due by 7/18/2016. Scheduling Conference set for 7/25/2016 at 10:30 AM before Judge James V. Selna. (jlen) [Transferred from California Central on 9/13/2016.] (Entered: 05/09/2016)
05/09/2016	<u>16</u>	APPLICATION of Non-Resident Attorney Kathy A. Wisniewski to Appear Pro Hac Vice on behalf of Defendant FCA US LLC (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-17789365) filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Proposed Order) (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/09/2016)
05/09/2016	<u>17</u>	APPLICATION of Non-Resident Attorney Stephen A. D'Aunoy to Appear Pro Hac Vice on behalf of Defendant FCA US LLC (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-17789617) filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Proposed Order) (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/09/2016)
05/09/2016	<u>18</u>	APPLICATION of Non-Resident Attorney Sharon B. Rosenberg to Appear Pro Hac Vice on behalf of Defendant FCA US LLC (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-17789868) filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Proposed Order) (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/09/2016)
05/09/2016	<u>19</u>	APPLICATION of Non-Resident Attorney Scott H. Morgan to Appear Pro Hac Vice on behalf of Defendant FCA US LLC (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-17789990) filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Proposed Order) (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/09/2016)
05/09/2016		(Court only) ***Attorney Kathy A Wisniewski,Stephen A D'Aunoy,Sharon B Rosenberg and Scott H Morgan for FCA US LLC added. (lt) [Transferred from California Central on 9/13/2016.] (Entered: 05/10/2016)
05/11/2016	<u>20</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge James V. Selna: granting <u>19</u> Non-Resident Attorney Scott H Morgan APPLICATION to Appear Pro Hac Vice on behalf of Defendant FCA US LLC, designating Rowena G Santos as local counsel. (lom) [Transferred from California Central on 9/13/2016.] (Entered: 05/12/2016)
05/11/2016	<u>21</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge James V. Selna: granting <u>18</u> Non-Resident Attorney Sharon B Rosenberg APPLICATION to Appear Pro Hac Vice on behalf of Defendant FCA US LLC, designating Rowena G Santos as local counsel. (lom) [Transferred from California Central on 9/13/2016.] (Entered: 05/12/2016)

05/11/2016	<u>22</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge James V. Selna: granting <u>17</u> Non-Resident Attorney Stephen A. D'Aunoy APPLICATION to Appear Pro Hac Vice on behalf of Defendant FCA US LLC, designating Rowena G Santos as local counsel. (lom) [Transferred from California Central on 9/13/2016.] (Entered: 05/12/2016)
05/11/2016	<u>23</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge James V. Selna: granting <u>16</u> Non-Resident Attorney Kathy A. Wisniewski APPLICATION to Appear Pro Hac Vice on behalf of Defendant FCA US LLC, designating Rowena G Santos as local counsel. (lom) [Transferred from California Central on 9/13/2016.] (Entered: 05/12/2016)
05/27/2016	<u>24</u>	NOTICE OF MOTION AND MOTION to Dismiss Case <i>First Amended Class Action Complaint</i> filed by Defendant FCA US LLC. Motion set for hearing on 7/11/2016 at 01:30 PM before Judge James V. Selna. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order) (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/27/2016)
05/27/2016	<u>25</u>	NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York filed by Defendant FCA US LLC. Motion set for hearing on 7/11/2016 at 01:30 PM before Judge James V. Selna. (Attachments: # <u>1</u> Exhibit 1-7, # <u>2</u> Proposed Order) (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/27/2016)
05/27/2016	<u>26</u>	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <u>25</u> filed by Defendant FCA US LLC. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/27/2016)
05/27/2016	<u>27</u>	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <u>25</u> (<i>AMENDED</i>) filed by Defendant FCA US LLC. (Attachments: # <u>1</u> Exhibit 1-7)(Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 05/27/2016)
06/20/2016	<u>28</u>	STATEMENT Partial Dismissal of Plaintiff's 9th and 10th Causes of Action filed by Plaintiff Lynn Grimstad (Egbase, Anthony) [Transferred from California Central on 9/13/2016.] (Entered: 06/20/2016)
06/20/2016	<u>29</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Dismiss Case <i>First Amended Class Action Complaint</i> <u>24</u> filed by Plaintiffs Lynn Grimstad, Mara Manuel. (Egbase, Anthony) [Transferred from California Central on 9/13/2016.] (Entered: 06/20/2016)
06/20/2016	<u>30</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <u>25</u> filed by Plaintiffs Lynn Grimstad, Mara Manuel. (Egbase, Anthony) [Transferred from California Central on 9/13/2016.] (Entered: 06/20/2016)
06/27/2016	<u>31</u>	REPLY In Support Of NOTICE OF MOTION AND MOTION to Dismiss Case <i>First Amended Class Action Complaint</i> <u>24</u> filed by Defendant FCA US LLC. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 06/27/2016)
06/27/2016	<u>32</u>	REPLY In Support Of NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <u>25</u> filed by Defendant FCA US LLC. (Santos, Rowena) [Transferred from California Central on 9/13/2016.] (Entered: 06/27/2016)
07/01/2016	33	(IN CHAMBERS) The Court, on its own motion, ADVANCES the HEARING on Defendant FCA US LLC's MOTION to Dismiss Case First Amended Class Action Complaint <u>24</u> and MOTION to Transfer Case to Southern District of New York <u>25</u> , previously scheduled for 7/11/2016 at 1:30 PM, to FRIDAY, 7/8/2016 at 1:30 PM before Judge James V. Selna. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kt) TEXT ONLY ENTRY [Transferred from California Central on 9/13/2016.] (Entered: 07/01/2016)

07/01/2016	<u>34</u>	First NOTICE OF MOTION AND MOTION to Certify Class <i>Action</i> filed by Plaintiffs Lynn Grimstad, Mara Manuel. Motion set for hearing on 2/6/2017 at 01:30 PM before Judge James V. Selna. (Attachments: # <u>1</u> Exhibit Exhibits in Support of Motion) (Egbase, Anthony) [Transferred from California Central on 9/13/2016.] (Entered: 07/01/2016)
07/08/2016	<u>35</u>	MINUTES OF HEARING on Defendant's Motion to Dismiss First Amended Complaint and Motion to Transfer Case to Southern District of New York. The Court DENIES, without prejudice the defendant's <u>24</u> MOTION to Dismiss Case and GRANTS the defendant's <u>25</u> MOTION to Transfer Case. The Court makes these rulings in accordance with the tentative ruling attached. Court Reporter: Debbie Hino-Spaan. (Attachments: # <u>1</u> Memorandum) (kt) [Transferred from California Central on 9/13/2016.] (Entered: 07/11/2016)
07/12/2016	<u>36</u>	ORDER by Judge James V. Selna: Re FCA US LLC's Motion to Transfer. In accordance with the Courts "Order Granting Motion to Transfer," (Docket No. 35-1), the Court hereby grants FCA US LLC's Motion to Transfer. This case is transferred to the United States District Court for the Southern District of New York, for referral to the Bankruptcy Court in that District.(Made JS-6. Case Terminated.) (mba) [Transferred from California Central on 9/13/2016.] (Entered: 07/12/2016)
09/13/2016	<u>37</u>	CASE TRANSFERRED IN from the United States District Court – District of California Central; Case Number: 8:16-cv-00763. Original file certified copy of transfer order and docket entries received. (sjo) (Entered: 09/13/2016)
09/13/2016		Magistrate Judge Barbara C. Moses is so designated. (sjo) (Entered: 09/13/2016)
09/13/2016		Case Designated ECF. (sjo) (Entered: 09/13/2016)
09/13/2016		NOTE TO OUT OF STATE ATTORNEYS: Please visit the Court's website at http://www.nysd.uscourts.gov for information regarding admission to the S.D.N.Y. Bar and the CM/ECF Rules & Filing Instructions. (sjo) (Entered: 09/13/2016)
09/13/2016	<u>38</u>	DUPLICATE ORIGINAL AMENDED STANDING ORDER REFERRING CASE to Bankruptcy Court. Pursuant to 28 U.S.C. Section 157(a) any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district. (See 1:12-mc-00032 (M-10-468) Order Filed February 1, 2012) (Signed by Judge Loretta A. Preska on 2/1/2012) (sjo) (Entered: 09/13/2016)
09/13/2016		Transmission to the Case Openings Clerk. Transmitted re: <u>38</u> Order Referring Case to Bankruptcy Court, to the Case Openings Clerk for case processing. (sjo) (Entered: 09/13/2016)
09/15/2016		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States Bankruptcy Court – Southern District of New York. (laq) (Entered: 09/15/2016)